

**City of Gardner
Conservation Commission**



**Minutes of the Meeting of
August 22, 2016, 6:00 p.m.
Second Floor Meeting Room, City Hall Annex**

Members present:

Acting Chairman Norman Beauregard, David Beauregard Jane Cullen, Donna Lehtinen, David Orwig, and Conservation Agent Jeff Legros.

Members absent:

Duncan Burns and Chairman Greg Dumas.

Guests & Visitors

Conrad Donell, Trustee, Sunshine Realty Trust/Sapphire Park; Kelly Janecitis, Gardner Resident; Paul Cormier, Gardner Resident; Michael Hermanson, Gardner Youth Baseball; C. Thibodeau, Gardner Resident.

Meeting

Open Meeting, Norman Beauregard, Acting Chairman. Members of the Commission and audience stated their names and affiliations for the record.

Public Hearings

6:07 The Gardner Conservation Commission resumed the Public Hearing under the City of Gardner Wetlands Protection Ordinance (City Code 650) on the Notice of Intent filed by Conrad Donell, 106 Lancaster Road, Shirley, MA, represented by David Crossman, Wetland Scientist, B&C Associates, for the development of two single family house lots at Sapphire Park on Ruby Road and Opal Lane within the Buffer Zone of an Isolated Vegetated Wetland and Certified Vernal Pool. A corner of one of the proposed dwellings will be within the 60-foot "No Build" Zone of the Gardner Wetlands Protection Ordinance (City Code 650). The applicant is seeking a variance for that work.

The Commission resumed discussion on the Public Hearing above. Mr. Donell addressed the Commission that he had in fact spoken to his Attorney who stated there would be no issue with granting the City an easement within the Sapphire Park property for a walking path. Mr. Donell presented no legal documents from his Attorney stating Mr. Donell's willingness to grant the easement nor did he present any plans (engineered or otherwise) to support the granting of the variance for the overriding public interest. As he agreed to do at the August 8, 2016 meeting.

Motion made by J. Cullen to continue the hearing until September 12, 2016 at which time Mr. Donell will present the Commission with plans and legal documentation. The motion was seconded by D. Beauregard and voted unanimously, all in favor.

Agent Legros will work with Mr. Donell and the City Solicitor to move this forward.

- 6:22** The Gardner Conservation Commission opened the joint Public Hearing under MGL, Ch. 131, § 40, Wetlands Protection Act and the City of Gardner Wetlands Protection Ordinance (City Code Chpt. 650) on the Notice of Intent filed by Andy Krook, APK Real Estate, LLC, represented by Graz Engineering for work at M47-22-16 Green Street (Route 140).

Mr. Paul Grasewicz described the proposed project to consist of the construction of a single family home within the buffer zone of a Bordering Vegetated Wetland and to include the building of the home, a septic system, and an access driveway.

The Commission and Agent reviewed engineered drawings for proposed work at 16 Green Street. The Agent has visited the site and noted minor concerns that can be addressed within the Order of Conditions. Such as any changes to be approved by the Commission prior to work being done and marking to the no disturbance zone with large boulders to prevent homeowners future expansion of the yard.

City resident Carol Thibedeau addressed the Commission regarding drainage concerns from septic and driveway. The representative from Graz Engineering and Agent Legros addressed Ms. Thibedeau's concerns. Site meets state and the more stringent local requirements for septic and wetlands protection.

- 6:44** Motion made by D. Beauregard to issue an Order of Conditions with special conditions as noted above. The motion was seconded by D. Lehtinen and voted unanimously, all in favor.

Request for Determination of Applicability

- 6:45** The Gardner Conservation Commission will held a joint Public Meeting under MGL, Ch. 131, § 40, Wetlands Protection Act and the City of Gardner Wetlands Protection Ordinance (City Code Chapt. 650) on the Request for Determination of Applicability filed by Garrett Malouin, 59 Marquette Street, for work at 59 Marquette Street and within the Buffer Zone of a Bordering Vegetated Wetland.

Mr. Malouin described the work to be located within 100-feet of a wetland resource area and to consist of regrading and revegetating the existing yard located in the rear of the home on the corner of Marquette Street and Church Street. He added that additional work will include the installation of a fence and the construction of a deck.

Agent Legros previously visited the site on July 29, 2016 upon a report of possible work within the 100-foot Buffer Zone of a Wetland Resource Area. Agent Legros spoke to the Contractor and asked them to cease work and notify the owner to contact the Conservation Commission Office. Mr. Malouin contacted Agent Legros the following morning and was notified and gave his assurance that he would submit a Request for Determination of Applicability and stabilize the site immediately.

Mr. Malouin and his contractor complied immediately and upon further visits to the site Agent Legros confirmed that the site had been cleaned and stabilized as requested. Agent Legros stated that he did not feel that the proposed work would not have any negative impact on the adjacent Wetland Resource Area and recommended that the Commission make a Negative Determination #3.

- 6:54** Motion made by D. Beauregard to issue a Negative #3 Determination. The motion was seconded by D. Lehtinen and voted unanimously, all in favor.

Request for Certificate of Compliance

None

Request for Extension of Order of Conditions

None

Presentations

None

Enforcement Order Continued

- 6:55** Sunshine Realty Trust, Conrad Donell Trustee, Sapphire Park at Pearl Street and Shawn Avenue (*Continued from Meeting of August 8, 2016*):

Peer Review – Phase II Wetland Delineation Review – Agent Legros informed the Commission that the Peer Review of the wetland flagging delineation has not yet been completed by Melissa Coady of Tighe & Bond. Agent Legros will re-contact Ms. Coady regarding estimated completion date. Target date is August 31, 2016.

The target date for the post-restoration site monitoring assessment by the Peer Reviewer is September 30, 2016. An initial monitoring report of the plant establishment success and condition is expected from Mr. David Crossman, Wetland Scientist, B&C Associates on October 5, 2016.

New Business

- **Mechanic Street Ball Field and Pond Brook Restoration** – Mr. Hermanson, Gardner Youth Baseball and Softball Project Manager for the Mechanic Street Ball Field addressed the Commission regarding on-going work at the site. Mr. Hermanson stated his concern that there may be a disconnect between the City DPW, Conservation Commission and the Little League. Mr. Hermanson acknowledges all parties want what is best for the area and is making an effort to bring all departments together and remain in compliance with the projects previous approvals and Order of Conditions. Invasive species previously sprayed had returned to the brook area. The DPW has cleaned the area, scraped the invasive species and disposed of them properly. Mr.

Herminson is seeking approval to stabilize the cleaned area and clarify the scope of work previously approved. Agent Legros will work with Mr. Herminson to determine if new filings are required for future work around the brook/ball field.

Agent Legros and Mr. Herminson discussed an area of drainage that may need to be addressed. Investigation if it was drainage for previous manufacturing site or naturally wet area.

- 7:15** Motion made by J. Cullen to issue an Emergency Certification to allow for stabilization of the area cleaned/cleared by the DPW to prevent erosion. The motion was seconded by D. Orwig and voted unanimously, all in favor.

Old Business

- **421 Leo Drive wetlands violation** – Deputy Sheriff Cormier has served Mr. Truax with Wetlands Violation Notice. Mr. Truax has contacted Agent Legros and stated his willingness to work with him to address/correct the violation. Agent Legros will set up a site visit for the Commission with Mr. Truax. Commission requests Mr. Truax attends the next Conservation Meeting.

- 7:20** D. Beauregard authorized and signed the invoice for payment of \$34.34 to Sheriff's Office for serving the notice.

- **Crystal Lake Community Forest and Wellness Path Volunteer Trail Maintenance** – Agent Legros updated the Commission on upcoming activities for trail maintenance. Volunteers from Heywood Hospital and MWCC will participate on 8/24/16 picking up litter, planting and clearing debris from the trails. Agent discussed adding interactive improvements such as tree slices with animal prints and marking of specific tree species.

- **MACC Fundamentals Training Courses and Fall Conference** – Upcoming education/certification courses are available and the Fall Conference is upcoming in October. Forestry management will be the theme.

- **Agent provided Commissioners with the Montachusett Regional Trails Coalition's (MRTC) Exploring Trails, Making Connections flyer** – An event is being held on September 6, 2016 464 Abbott Ave in Leominster, MA. Discussion ensued about the goals of the MRTC and the value it brings to the area. Agent Legros encouraged the Commission to participate in this event and others to be hosted by MRTC.

Minutes

- 7:37** Motion made by D. Beauregard to accept Meeting Minutes of July 25, 2016. The motion was seconded by D. Lethinen and voted unanimously, all in favor, with J. Cullen abstaining.
- 7:39** Motion made by J. Cullen to accept the Meeting Minutes of August 8, 2016. The motion

was seconded by D. Beauregard and voted unanimously, all in favor, with D. Orwig abstaining.

Adjournment

7:45 Motion to adjourn made by J. Cullen. The motion was seconded by D. Beauregard and voted unanimously, all in favor.

Respectfully submitted,

Jeffrey D. Legros, Conservation Agent

All materials used at the meeting are available for viewing at the office of the Conservation Agent, Room 202 of the City Hall Annex.

Minutes are available as follows:

- Minutes are available on the City of Gardner website (www.gardner-ma.gov) under Conservation Commission.
- By appointment or request in Conservation Agent's office, Room 202 of the City Hall Annex
- Community Development & Planning office, Room 201 of the City Hall Annex